

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEPHEN ROBINSON,

Plaintiff,

-against-

COMMISSIONER ANTHONY ANNUCCI, et al.,

Defendants.

23-CV-6924 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 7, 2023, the Court directed the Clerk of Court to open this action, purportedly filed by Plaintiff Stephen Robinson. Robinson was listed as a plaintiff in a complaint filed by Bryon K. Brown and 28 other individuals regarding the alleged denial of a religious service at Sing Sing Correctional Facility on April 14, 2023. *See Brown v. Annucci*, ECF 1:23-CV-6056, 1 (S.D.N.Y., complaint rec'd July 13, 2023). Robinson did not sign the complaint or otherwise indicate his intention to litigate the claims asserted in Brown's complaint. Accordingly, on August 11, 2023, the Court directed Robinson to pay the filing fees or submit an application to proceed *in forma pauperis* and prisoner authorization, assuming for the purposes of that order that he did intend to litigate the claims asserted in Brown's complaint. The Court also directed Robinson to sign the signature page of Brown's complaint and resubmit it to the Court.

On August 24, 2023, the Court received a letter from Plaintiff (ECF 5), stating, "I did not sign the lawsuit filed with this Court, because I was unaware of such. My name was used without my permission. It was used, I believe, because I did file a grievance in regard to being denied religious service. Therefore, I request from this Honorable Court to have my name removed from such action." (*Id.*)

## CONCLUSION

The Court grants Plaintiff's request to withdraw this action, which he did not authorize to be filed. The complaint is dismissed under Rule 41(a) of the Federal Rules of Civil Procedure, without prejudice to any such action Plaintiff seeks to file regarding the incident described in Brown's complaint.

The Clerk of Court is directed not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff is directed to suspend any previously authorized monetary deduction from Plaintiff's prison trust account for this lawsuit.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to terminate this action.

SO ORDERED.

Dated: September 7, 2023  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge